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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,736	03/16/2004	Viktors Berstis	AUS919990100US2	1851

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,736	BERSTIS, VIKTORS	
	Examiner	Art Unit	
	Joshua D. Campbell	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-25, 30-50 and 53-65 is/are pending in the application.
- 4a) Of the above claim(s) 5-14, 30-39, 53 and 54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-25, 40-50 and 55-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Response to election/restriction filed on 7/26/2006 and IDS filed on 3/16/2004.
2. Claims 5-25, 30-50, and 53-65 are pending in this case. Claims 5-14, 30-39, 53, and 54 have been removed from consideration because they were not elected in the response to the election/restriction. Claims 15, 40, and 55 are independent claims that remain in consideration.

Election/Restrictions

3. Claims 5-14, 30-39, 53, and 54 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/26/2006.
4. Applicant's election with traverse of claims 15-25, 40-50, and 55-65 in the reply filed on 7/26/2006 is acknowledged. The traversal is on the ground(s) that there would be no increased burden on the examiner in searching both sets of claims. This is not found persuasive because the two groups of claims represent distinct inventions, which would most definitely increase the burden of searching place on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 15-25, 40-50, and 55-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen (US Patent Number 5,875,443, issued on February 23, 1999).

Regarding independent claim 15, Nielsen discloses scanning a data stream and detecting a word that does not match any of the words in a dictionary (column 3, lines 15-50 of Nielsen). Nielsen also discloses that a user may indicate that, regardless of not detecting the word, it is correctly spelled and add it to a dictionary (column 3, lines 30-51 of Nielsen).

Regarding dependent claim 16, Nielsen discloses that the user is presented with the option of adding it to any of the user's dictionaries (column 3, lines 30-51 of

Nielsen). Once the user selects the dictionary to add the term to that dictionary is updated with the new term (column 3, lines 30-51 of Nielsen).

Regarding dependent claim 17, Nielsen discloses that a database contains multiple dictionaries that are broken down into organizational units (column 3, line 30-column 4, line 11 of Nielsen). The determination of which dictionaries to update on the server is determined based on these organizational units (column 3, line 30-column 4, line 11 of Nielsen).

Regarding dependent claims 18 and 19, Nielsen discloses that determining which organizational unit the user belongs to is used to select which dictionaries to update (column 3, line 30-column 4, line 11 of Nielsen). Nielsen also discloses that determination is made as to whether or not local dictionaries on client computers and the master copy of the dictionary on the server need to be updated upon an indication of a new term by the user (column 3, line 30-column 4, line 11 of Nielsen).

Regarding dependent claims 20-22, Nielsen discloses updating the dictionaries that were determined to require updates of the new term and updating the master copy of the dictionary (column 3, line 51-column 4, line 47 of Nielsen). Nielsen also discloses that message is sent from the client to the server comprising the new term and an update message is sent from the server to clients comprising the new term (column 3, line 51-column 4, line 47 of Nielsen).

Regarding dependent claim 23, Nielsen discloses that the determination of which dictionaries to update on the server is determined based on these organizational units by the server (column 3, lines 30-65 of Nielsen).

Regarding dependent claim 24, Nielsen discloses that the determination of which dictionaries to update on the server is determined based on these organizational units by the client computer (column 3, lines 30-65 of Nielsen).

Regarding dependent claim 25, Nielsen discloses that the dictionary that is updated can just be the default dictionary (column 3, line 30-column 4, line 11 of Nielsen).

Regarding independent claim 40 and dependent claims 41-50, the claims incorporate substantially similar subject matter as claims 15-25. Thus, the claims are rejected along the same rationale as claims 15-25.

Regarding independent claim 55 and dependent claims 46-65, the claims incorporate substantially similar subject matter as claims 15-25. Thus, the claims are rejected along the same rationale as claims 15-25.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,970,492

US Patent Number 6,085,206

US Patent Number 6,282,508

US Patent Number 6,377,965

US Patent Number 6,539,348

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDC
September 14, 2006


STEPHEN HONG
SUPERVISORY PATENT EXAMINER